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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

William Hames,

Plaintiff,

v.

LiveOne, Inc.,

Defendant.

Case No:

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

Plaintiff William Hames (*“Plaintiff”*), by and through his undersigned counsel, for his Complaint against defendant LiveOne, Inc. (*“Defendant”*) states and alleges as follows:

**INTRODUCTION**

1. This action seeks to recover damages for copyright infringement.
2. Plaintiff herein creates photographic images and owns the rights to these images which Plaintiff licenses for various uses including online and print

1 publications.

2 3. Defendant owns and operates a website known as www.liveone.com  
3 (the “Website”).  
4

5 4. Defendant, without permission or authorization from Plaintiff  
6 actively copied, stored, and/or displayed Plaintiff's Photograph on the Website  
7 and engaged in this misconduct knowingly and in violation of the United States  
8 copyright laws.  
9

### 10 **PARTIES**

11 5. Plaintiff William Hames is an individual who is a citizen of the State  
12 of California and maintains a principal place of business 5700 Laurel Canyon  
13 Blvd., Valley Vlg in Los angeles County, California.  
14

15 6. On information and belief, Defendant LiveOne, Inc., is a Delaware  
16 corporation with a principal place of business at 269 South Beverley Drive, Suite  
17 1450, Beverly Hills in Los Angeles County, California and is liable and  
18 responsible to Plaintiff based on the facts herein alleged.  
19

### 20 **JURISDICTION AND VENUE**

21 7. This Court has subject matter jurisdiction over the federal copyright  
22 infringement claims pursuant to 28 U.S.C. §1338(a) and 28 U.S.C. §1331.  
23

24 8. This Court has personal jurisdiction over LiveOne, Inc. because it  
25 maintains its principal place of business in California.  
26  
27  
28

1           9. Venue is proper under 28 U.S.C. §1391(a)(2) because LiveOne, Inc.  
2 does business in this Judicial District and/or because a substantial part of the  
3 events or omissions giving rise to the claim occurred in this Judicial District.  
4

5                           **FACTS COMMON TO ALL CLAIMS**

6           10. Plaintiff is a professional photographer by trade who is the legal and  
7 rightful owners of photographs which Plaintiff licenses to online and print  
8 publications.  
9

10           11. Plaintiff has invested significant time and money in building  
11 Plaintiff's photograph portfolio.  
12

13           12. Plaintiff has obtained active and valid copyright registrations from  
14 the United States Copyright Office (the "*USCO*") which cover many of Plaintiff's  
15 photographs while many others are the subject of pending copyright applications.  
16

17           13. Plaintiff's photographs are original, creative works in which  
18 Plaintiff's own protectable copyright interests.  
19

20           14. LiveOne, Inc. is the registered owner of the Website and is  
21 responsible for its content.  
22

23           15. LiveOne, Inc. is the operator of the Website and is responsible for its  
24 content.  
25

26           16. The Website is a popular and lucrative commercial enterprise.  
27

28           17. The Website is monetized in that it contains paid advertisements and,  
29

1 on information and belief, Defendant profits from these activities.

2 18. The Website is monetized in that it sells merchandise to the public  
3 and, on information and belief, Defendant profits from these activities.  
4

5 19. On January 9, 2014, Plaintiff authored a photograph of the band  
6 members of the Motely Crue (the "*Photograph*"). A copy of the Photograph is  
7 attached hereto as Exhibit 1.  
8

9 20. Plaintiff applied to the USCO to register the Photograph on or about  
10 July 20, 2019 under Application No. 1-7897868944.  
11

12 21. The Photograph was registered by the USCO on July 20, 2019 under  
13 Registration No. VA 2-164-396.  
14

15 22. On April 7, 2022 Plaintiff first observed the Photograph on the  
16 Website in a story dated June 24, 2020. A copy of the screengrab of the Website  
17 including the Photograph is attached hereto as Exhibit 2.  
18

19 23. The Photograph was displayed at URL:  
20 <https://www.liveone.com/blog/2020/06/24/when-the-crue-were-kings-2/>.

21 24. The Photograph was stored at URL:  
22 [https://cmscdn.livexlive.com/wp-content/uploads/2020/06/crue-vid-](https://cmscdn.livexlive.com/wp-content/uploads/2020/06/crue-vid-768x529.jpg)  
23 [768x529.jpg](https://cmscdn.livexlive.com/wp-content/uploads/2020/06/crue-vid-768x529.jpg).  
24

25 25. Without permission or authorization from Plaintiff, Defendant  
26 volitionally selected, copied, stored and/or displayed Plaintiff copyright protected  
27  
28

1 Photograph as is set forth in Exhibit “1” on the Website.

2 26. On information and belief, the Photograph was copied, stored and  
3 displayed without license or permission, thereby infringing on Plaintiff's  
4 copyrights (hereinafter the “*Infringement*”).

5  
6 27. The Infringement includes a URL (“*Uniform Resource Locator*”) for  
7 a fixed tangible medium of expression that was sufficiently permanent or stable  
8 to permit it to be communicated for a period of more than transitory duration and  
9 therefore constitutes a specific infringement. *17 U.S.C. §106(5); Perfect 10, Inc.*  
10 *v. Amazon.com, Inc.*, 508 F.3d 1146, 1160 (9th Cir. 2007).

11  
12 28. The Infringement is an exact copy of the entirety of Plaintiff's  
13 original image that was directly copied and stored by Defendant on the Website.

14  
15 29. On information and belief, Defendant takes an active and pervasive  
16 role in the content posted on its Website, including, but not limited to copying,  
17 posting, selecting, commenting on and/or displaying images including but not  
18 limited to Plaintiff's Photograph.  
19

20  
21 30. On information and belief, Defendant posts content on its Website  
22 via the account named as “LIVEXLIVE”.  
23

24 31. On information and belief, the Photograph was willfully and  
25 volitionally posted to the Website by Defendant.

26 32. On information and belief, Defendant is not registered with the  
27  
28

1 United States Copyright Office pursuant to 17 U.S.C. §512.

2 33. On information and belief, Defendant engaged in the Infringement  
3  
4 knowingly and in violation of applicable United States Copyright Laws.

5 34. On information and belief, Defendant has the legal right and ability  
6  
7 to control and limit the infringing activities on its Website and exercised and/or  
8 had the right and ability to exercise such right.

9 35. On information and belief, Defendant monitors the content on its  
10  
11 Website.

12 36. On information and belief, Defendant has received a financial benefit  
13  
14 directly attributable to the Infringement.

15 37. On information and belief, the Infringement increased traffic to the  
16  
17 Website and, in turn, caused Defendant to realize an increase in its advertising  
18 revenues and/or merchandise sales.

19 38. On information and belief, a large number of people have viewed the  
20  
21 unlawful copies of the Photograph on the Website.

22 39. On information and belief, Defendant at all times had the ability to  
23  
24 stop the reproduction and display of Plaintiff's copyrighted material.

25 40. Defendant's use of the Photograph, if widespread, would harm  
26  
27 Plaintiff's potential market for the Photograph.

28 41. As a result of Defendant's misconduct, Plaintiff has been

1 substantially harmed.

2 **FIRST COUNT**

3 ***(Direct Copyright Infringement, 17 U.S.C. §501 et seq.)***

4 42. Plaintiff repeats and incorporates by reference the allegations  
5 contained in the preceding paragraphs, as though set forth in full herein.  
6

7 43. The Photograph is an original, creative work in which Plaintiff owns  
8 valid copyright properly registered with the United States Copyright Office.  
9

10 44. Plaintiff has not licensed Defendant the right to use the Photograph  
11 in any manner, nor has Plaintiff assigned any of its exclusive rights in the  
12 copyrights to Defendant.  
13

14 45. Without permission or authorization from Plaintiff and in willful  
15 violation of Plaintiff's rights under 17 U.S.C. §106, Defendant improperly and  
16 illegally copied, stored, reproduced, distributed, adapted, and/or publicly  
17 displayed works copyrighted by Plaintiff thereby violating one of Plaintiff's  
18 exclusive rights in its copyrights.  
19

20 46. Defendant's reproduction of the Photograph and display of the  
21 Photograph constitutes willful copyright infringement. *Feist Publications, Inc. v.*  
22 *Rural Telephone Service Co., Inc.*, 499 U.S. 340, 361 (1991).  
23

24 47. Plaintiff is informed and believes and thereon alleges that the  
25 Defendant willfully infringed upon Plaintiff's copyrighted Photograph in violation  
26 of Title 17 of the U.S. Code, in that they used, published, communicated, posted,  
27  
28

1 publicized, and otherwise held out to the public for commercial benefit, the  
2 original and unique Photograph of the Plaintiff without Plaintiff's consent or  
3 authority, by using it in the infringing article on the Website.  
4

5 48. As a result of Defendant's violations of Title 17 of the U.S. Code,  
6 Plaintiff is entitled to an award of actual damages and disgorgement of all of  
7 Defendant's profits attributable to the infringement as provided by 17 U.S.C. §  
8 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an  
9 award for statutory damages against Defendant for the infringement pursuant to  
10 17 U.S.C. § 504(c).  
11

12  
13 49. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
14 the court in its discretion may allow the recovery of full costs as well as reasonable  
15 attorney's fees and costs pursuant to 17 U.S.C. § 505 from Defendant.  
16

17 50. As a result of Defendant's violations of Title 17 of the U.S. Code,  
18 Plaintiff is entitled to injunctive relief to prevent or restrain infringement of his  
19 copyright pursuant to 17 U.S.C. § 502.  
20

21 **JURY DEMAND**

22 51. Plaintiff hereby demands a trial of this action by jury.  
23

24 **PRAYER FOR RELIEF**

25 **WHEREFORE** Plaintiff respectfully requests judgment as follows:  
26

27 That the Court enters a judgment finding that Defendant has infringed upon  
28



1 Plaintiff's rights to the Photograph in violation of 17 U.S.C. §501 et seq. and  
2 award damages and monetary relief as follows:

- 3 a. finding that Defendant infringed upon Plaintiff's copyright  
4 interest in the Photograph by copying and displaying without  
5 a license or consent;  
6
- 7 b. for an award of actual damages and disgorgement of all of  
8 Defendant's profits attributable to the infringement as  
9 provided by 17 U.S.C. § 504 in an amount to be proven or, in  
10 the alternative, at Plaintiff's election, an award for statutory  
11 damages against Defendant for the infringement pursuant to  
12 17 U.S.C. § 504(c), whichever is larger;  
13
- 14 c. for an order pursuant to 17 U.S.C. § 502(a) enjoining  
15 Defendant from any infringing use of any of Plaintiff's works;  
16
- 17 d. for costs of litigation and reasonable attorney's fees against  
18 Defendant pursuant to 17 U.S.C. § 505;  
19
- 20 e. for pre judgment interest as permitted by law; and  
21
- 22 f. for any other relief the Court deems just and proper.  
23  
24  
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1 DATED: August 23, 2022

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3  
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